

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 4/27/2022
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SIRIUS XM RADIO INC.,

Plaintiff,

-v -

AURA MULTIMEDIA CORPORATION, AURA
MULTIMEDIA TECHNOLOGIES CO., *and*
CLAYTON B. BURTON JR.

Defendants.

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GREGORY H. WOODS, United States District Judge:

1:21-cv-06963-GHW

ORDER

On April 12, 2022, Magistrate Judge Aaron issued a Report and Recommendation (“R&R”) recommending that the Court enter a default judgment in favor of Plaintiff against Aura Multimedia Corporation and Aura Multimedia Technologies Company LLC (the “Aura Defendants”), as to liability, on Plaintiff’s breach of contract, Lanham Act, New York General Business Law, and unfair competition claims. Dkt. No. 61 at 13. In that R&R, Magistrate Judge Aaron further recommended that the Court defer determining the amount of damages to which Plaintiff is entitled and whether to grant other relief to Plaintiff, until after the resolution of Plaintiff’s claims against Defendant Clayton B. Burton, Jr. *Id.*


A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within fourteen days of receiving a copy of the report. *Id.*; *see also* FED. R. CIV. P. 72(b)(2). The Court reviews for clear error those parts of the report and recommendation to which no party has timely objected. 28 U.S.C. § 636(b)(1)(A); *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).

No objection to the R&R was submitted within the fourteen-day window. Accordingly, the Court has reviewed the R&R for clear error, and it finds none. *See Braunstein v. Barber*, No. 06 Civ. 5978 (CS) (GAY), 2009 WL 1542707, at *1 (S.D.N.Y. June 2, 2009) (explaining that a “district court may adopt those portions of a report and recommendation to which no objections have been made, as long as no clear error is apparent from the face of the record.”). The Court, therefore, accepts and adopts the Report and Recommendation in its entirety. For the reasons articulated in the R&R, Plaintiff’s motion for a default judgment against the Aura Defendants, Dkt. No. 42, is GRANTED as to liability only and DENIED as to damages. The Court will determine the damages to which Plaintiff is entitled on its claims against the Aura Defendants after Plaintiff’s claims against Defendant Burton are resolved.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 42.

SO ORDERED.

Dated: April 27, 2022
New York, New York



GREGORY H. WOODS
United States District Judge